HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 574(S/B) 2003

Laxmi Shankar Singh S/o Sri R.N. Singh,
Presently posted as Deputy Collector,
Udham Singh Nagar. … Petitioner.

Vs

State of Uttar Pradesh, through
Secretary Appointment and Personnel,
Uttaranchal Shasan Dehradun,
And two others. …. Respondents.

Sri Manjo Tewari, Ad. for petitioner,
Learned Standing Counsel (State of U.P.) for the respondents.

Dated: March 4, 2004:

Hon'ble M.M. Ghildiyal, J.
Hon'ble Rajesh Tandon, J.

Heard Sri Majoj Tewari, learned counsel for the petitioner and learned Standing Counsel for the respondents.

This writ petition has been filed by the petitioner for the issue of a writ, order or direction in the nature of certiorari for quashing the impugned suspension order dated 28.10.2003 passed by the respondent no. 1. Further with a prayer to issue of a writ, order or direction in the nature of mandamus restraining the respondent no. 1 form taking any steps pursuant to the impugned order dated 28.10.2003.

Counsel for the petitioner has submitted that the petitioner was appointed by promotion in Provincial Civil Service (Executive Branch) pursuant to recommendation of Public Service Commission U.P. in January 2000 and after completion of training the petitioner was posted as Deputy Collector Bahraich. The respondent no. 1 State of Uttaranchal through its Secretary Appointment and Personnel, Uttaranchal Shasan, Dehradun has passed order dated 28.10.2003 whereby the petitioner on the various charges was suspended from the post of Deputy Collector, Udham Singh Nagar.

The contention of the petitioner is that the charges levelled against him and the suspension order are without any basis. The petitioner has further submitted that since the Central Govt. has finally allocated the petitioner to the State of U.P., therefore, the State of

Uttaranchal has no power to suspend the petitioner or to proceed for departmental enquiry against him.

Under Section 75 of U.P. Reorganisation Act, 2000, the State of Uttaranchal has power to take any action against the employees who are working in the State.

However, in view of the facts that the suspension order was passed on 28th October 2003 and in view of the fact, as stated by the petitioner, that no charge-sheet has been submitted till today, it is in the interest of justice to direct the respondent no. 1 to issue charge-sheet with a period of three weeks from today, if already has not issued till today. The petitioner shall reply the same within two weeks from the date of receipt of charge-sheet and the authority concerned shall take final decision after concluding the enquiry within six weeks thereafter. The whole exercise will be finished by 5th of June 2004. In case, the exercise has not completed by that time, the respondent authorities shall take action to relieve the petitioner for the State of U.P in view of the fact that the Central Govt. has finally allocated the petitioner to State of U.P.

With these directions, the writ petition is finally disposed of with no order as to costs.

(M.M. Ghildiyal, J.) **(Rajesh Tandon, J.)**

March 4, 2004:
NCM: